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9 *Representing the United States of America*

10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 **United States of America,**

14 Plaintiff,

15 v.

16 **Jose Luis Reynaldo Reyes-Castillo, et al.**

17 Defendants.

Case No. 2:19-cr-00103-JCM-VCF

**MOTION TO CERTIFY CASE
AS COMPLEX AND ENTER A
COMPLEX CASE SCHEDULING
ORDER**

18
19 The United States of America, by and through NICHOLAS A. TRUTANICH,
20 United States Attorney, DAVID L. JAFFE, Chief of the Organized Crime Section, U.S.
21 Department of Justice, and JOHN S. HAN, TRACEY BATSON, and CHRISTOPHER
22 TAYLOR, Trial Attorneys, hereby moves the Court to certify the above-referenced case as

1 complex for the purposes of computing and excluding time under the Speedy Trial Act, 18,
2 U.S.C. § 3161, and enter a revised scheduling order as set forth herein. In support thereof,
3 the Court is advised that counsel for the government electronically provided counsel for de-
4 fendants a copy of this motion for their review. The undersigned counsel for each defend-
5 ant support the motion and agree to the contents of the motion.¹ Given the complexity of
6 the evidence, volume of discovery, and death penalty protocol process (for all three charged
7 defendants), it is unreasonable to expect each defendant could adequately prepare for trial
8 within the timeframe mandated by the Speedy Trial Act.

9 I. COMPLEXITY AND VOLUME OF THE CASE

10 A. The Charges, Potential Penalties, and Case Status

11 1. On April 30, 2019, a federal grand jury seated in Las Vegas, Nevada returned
12 a three-count Indictment charging three defendants – JOSE LUIS REYNALDO REYES-
13 CASTILLO, a.k.a. “Molesto,” MIGUEL TORRES-ESCOBAR, a.k.a. “Chamilo,” and
14 DAVID ARTURO PEREZ-MANCHAME, a.k.a. “Walter Melendez,” a.k.a. “Herbi” —
15 with offenses related to the January 21, 2018 murder of Arquimidez Sandoval-Martinez.
16 (ECF No. 1). More specifically, all three defendants are charged with Murder in Aid of
17 Racketeering (VICAR Murder), in violation of Title 18, United States Code, Sections
18 1959(a)(1) and 2 (Count One); Using, Carrying, and Discharging a Firearm During and In
19 Relation to a Crime of Violence, in violation of Title 18, United States Code, Sections 924(c)

20 ¹ Prior to the indictment in this case, the government filed a criminal complaint (2:18-mj-00361-VCF) against de-
21 fendant REYES-CASTILLO charging him with offenses related to the January 21, 2018 murder of Arquimidez
22 Sandoval-Martinez, which is the same subject matter for the charges in the Indictment. For the criminal complaint,
the Court appointed Mr. Richard A. Wright, Esquire, to represent REYES-CASTILLO. Given Mr. Wright’s prior
representation, the government is aware that the Court has invited Mr. Wright to be present for REYES-CASTILLO’s
initial appearance and arraignment for possible court appointment as counsel. Mr. Wright has informed the govern-
ment that he stands ready and willing to accept such appointment. For the foregoing reasons, there is a strong ex-
pectation and likelihood that the Court will appoint Mr. Wright to represent REYES-CASTILLO in this case. Ac-
cordingly, the government has conferred with Mr. Wright to obtain his input regarding this complex case motion.

1 (Count Two); and Causing Death Through the Use of A Firearm, in violation of Title 18,
2 United States Code, Sections 924(j) and 2 (Count Three).

3 2. Counts One and Three are both death penalty eligible offenses. Count Two
4 carries a mandatory minimum penalty of 10 years' imprisonment and a statutory maximum
5 penalty of life imprisonment.

6 3. Defendants TORRES-ESCOBAR and PEREZ-MANCHAME have been ar-
7 raigned and entered pleas of Not Guilty in this District. Defendant REYES-CASTILLO is
8 expected to be arraigned on or about June 25, 2019. The Court joined Defendants TORRES-
9 ESCOBAR and PEREZ-MANCHAME for trial, setting a trial date of July 29, 2019.

10 **B. Brief Summary of the Case and Evidence**

11 4. The Indictment alleges that the defendants were members and associates of
12 the criminal street gang *Mara Salvatrucha*, commonly known as MS-13, and the Parkview
13 clique in Las Vegas, Nevada, specifically. The Indictment further alleges that MS13, includ-
14 ing its leaders, members, and associates, constituted an enterprise which engaged in racket-
15 eering activity consisting of multiple acts involving murder, kidnapping, and robbery, among
16 other offenses.

17 5. The discovery in this case will be voluminous. It includes, but is not limited
18 to, thousands of pages of documents, including the complete "murder book", investigative
19 reports from both federal and state agencies, court documents, photographs, medical exam-
20 iner reports, summaries and/or transcripts of multi-hour interviews with various individuals
21 (several of which involve Spanish speakers and are in the process of being translated), toll
22 records, forensic reports and related data, social media records, and other such materials;

multiple audio and video recordings; and items of physical evidence, including clothing, knives, firearms, and other such items.

C. Pretrial Motions and Discovery

6. While the government intends to meet its obligations under Rule 16 of the Federal Rules of Criminal Procedure and other applicable law, the defendants will require substantial time in order to thoroughly review the discovery, conduct any necessary follow-up investigation, apprise their clients of the nature of the evidence against them, and re-search, prepare, and file any necessary pretrial motions that defense counsel deem necessary given the evidence and posture of the case.

7. Moreover, all three defendants are charged with death penalty eligible offenses. Whether the government decides to seek death or seek approval not to seek death, such requires compliance with death penalty protocol processes which will be time-consuming and will require participation of counsel for each defendant with regard to presenting mitigating information. Defense counsel will need sufficient time to accumulate mitigation information to present to the United States Attorney and the Attorney General of the United States. Finally, since cooperation is a consideration in the death penalty decision, each defendant will require time to review discovery in order to make an informed decision as to whether to seek a plea agreement. If this occurs, the government will require time to debrief any such defendant.

D. Proposed Complex Case Schedule

i. The Initial Discovery Phase

1 On or before June 21, 2019, the government will produce the initial volume of dis-
2 covery, which will include the contents of the “murder book” for the Sandoval-Martinez
3 murder.

4 Thereafter, the parties propose that the government shall confer and meet the obliga-
5 tion to disclose and provide the following:

6 a. all statements of the respective defendants, as well as documents, objects, au-
7 dio and video recordings, expert reports, and anything else required to be disclosed under
8 Federal Rule of Criminal Procedure 16(a)(1)(A)-(F) and 16(b)(1)(A)-(B);

9 b. all search warrants and other court orders that relate to evidence that may be
10 offered at trial;

11 c. all police or investigative reports that are relevant and material to the charges
12 in the Indictment;

13 d. each respective defendant’s criminal record, if applicable;

14 The Government acknowledges its continuing duty to disclose additional evidence
15 that is discovered subsequent to the initial production, pursuant to Federal Rule of Criminal
16 Procedure 16(c).

17 ***ii. The Discovery Motions Schedule to Resolve Any Discovery Disputes and Pretrial
18 Motions Schedule***

19 The parties acknowledge a duty to make good faith efforts to meet and confer with
20 each other to resolve informally any dispute over the scope, manner, and method of disclo-
21 sures before seeking relief from the Court. A breach of the duty to meet and confer, by either
22 party, may serve as a basis to grant or deny any subsequent motion for appropriate relief
made by the Court. If the parties are unable to agree or resolve disputes after good faith

1 efforts to do so, the parties propose the following pretrial motions schedule for both discovery
2 motions and other motions:

3 a. Discovery and/or pretrial motions, including notices of any defense under
4 Rules 12.1, 12.2, and 12.3, joinder, and severance under Rule 8 of the Federal Rules of Crim-
5 inal Procedure, shall be filed on or before January 6, 2020;

6 b. Response to discovery and/or pretrial motions to be filed on or before Febru-
7 ary 3, 2020; and

8 c. Replies to responses to discovery and/or pretrial motions are to be filed on or
9 before February 24, 2020.

10 The parties agree and stipulate that they may need to continue the aforementioned
11 dates based on discovery and other extenuating circumstances. The parties will submit any
12 stipulations to continue deadlines as soon as practicable.

13 *iii. The Second Discovery Phase*

14 The parties propose that NO LATER THAN 90 DAYS BEFORE TRIAL: the gov-
15 ernment will provide its expert witness disclosures in accordance with Fed. R. Crim. P.
16 16(a)(1)(G).

17 *iv. The Third Discovery Phase*

18 The parties propose that NO LATER THAN 60 DAYS BEFORE TRIAL:

19 a. the government will identify recordings, transcripts/translations of recordings,
20 or portions thereof, that will be offered in its case-in-chief at trial and

21 b. the defendants will provide their expert witness disclosures in accordance with
22 Fed. R. Crim. P. 16(b)(1)(C).

1 ***v. The Fourth Discovery Phase***

2 The parties propose that NO LATER THAN 30 DAYS BEFORE TRIAL:

3 a. the defendants will identify recordings, transcripts/translations of recordings,
4 or portions thereof, that will be offered in their respective case-in-chief at trial and

5 b. the government will provide disclosures of *Brady* material and *Giglio* material.

6 ***vi. The Fifth Discovery Phase***

7 The parties propose that NO LATER THAN 10 DAYS BEFORE TRIAL:

8 a. the parties will disclose any summaries, charts or calculations that will be of-
9 fered in their respective case-in-chief at trial and

10 b. the government will disclose any statements of witnesses under Title 18,
11 United States Code, Section 3500, and reports of interviews for those witnesses the Govern-
12 ment anticipates possibly calling in its case-in-chief, unless the government files a motion for
13 protective order under Rules 16(d)(1) at the time said statements are due herein.

14 ***vii. The Sixth Discovery Phase***

15 The parties propose that NO LATER THAN THE FIRST DAY OF TRIAL: each
16 defendant will disclose any statements of witnesses the defendant intends to call in his case-
17 in-chief, unless the defendants file a motion for protective order under Rules 16(d)(1) at the
18 time said statement is due herein.

19 ***viii. Supplemental Motions***

20 The parties agree that any supplemental motion can be filed upon a showing of good
21 cause as determined by the Court. These motions shall be based on issues unforeseen to the
22 parties at the time this agreement was filed.

1 *ix. Trial*

2 The parties agree to a vacating of the current July 29, 2019 trial date, and subject to
3 the schedule and approval of the Court, the setting of a new trial date in Fall 2020. The
4 parties anticipate that trial of the matter will last approximately six to eight weeks, depending
5 on the number of defendants who proceed to trial.

6 **II. PROTECTIVE ORDER**

7 A separate motion or application on stipulation for a protective order governing dis-
8 covery will be filed with the Court.

9 **III. CONCLUSION RE: COMPLEXITY**

10 For the foregoing reasons, it is in the interest of the defendants, their respective coun-
11 sel, and the government to designate this case as complex, and thus modify the normal trial
12 time limits established by Title 18, United States Code, Section 3161. Complicated and vo-
13 luminous motions are anticipated requiring additional time for the parties to research appli-
14 cable law and respond. Additionally, the Court may have to review, consider, and rule on
15 all such motions and responses. All parties, including the Court, have an interest in seeing
16 this case presented in an efficient and well-organized manner during both the discovery and
17 trial phases. This will ensure the evidence is presented to a jury without unnecessary and
18 time-consuming delays.

19 Accordingly, the parties agree that all time from the arraignment and plea until such
20 time as the Court shall rule otherwise should be excluded for purposes of speedy trial calcu-
21 lations, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(i)-(ii). The exclusion is appro-
22 priate because of the nature and complexity of the prosecution as well as the number of de-
fendants. The ends of justice served by this exclusion of time far outweigh the interest that

1 the public and the defendants have in a speedy trial.

2 WHEREFORE, PREMISES CONSIDERED, the government respectfully requests
3 this Court to certify this cause as a complex case, therefore tolling the time limits under the
4 Speedy Trial Act, Title 18, United States Code, Section 3161, and to issue a scheduling order
5 reflecting a trial date as it may deem appropriate, considering the matters stated herein.

6 Dated this 6th day of June, 2019.

7 Respectfully submitted,

8 NICHOLAS A. TRUTANICH
9 United States Attorney

10 IT IS HEREBY ORDERED
11 that the proposed complex
case scheduled is approved.

DAVID L. JAFFE
Chief, Organized Crime & Gang Section
U.S. Department of Justice

12 //s//

13 JOHN S. HAN
TRACEY BATSON
CHRISTOPHER TAYLOR
Trial Attorneys
U.S. Department of Justice

14 IT IS SO ORDERED

15 
UNITED STATES MAGISTRATE JUDGE
DATED: 6-7-2019

16 //s//

17 RICHARD A. WRIGHT, ESQ.
Counsel for defendant JOSE LUIS
REYNALDO REYES-CASTILLO

18 //s//

19 MICHAEL J. MICELI, ESQ.
Counsel for defendant
20 MIGUEL TORRES-ESCOBAR

21 //s//

22 ANDREA L. LUEM, ESQ.
Counsel for defendant
DAVID ARTURO PEREZ-MANCHAME

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DATED this 6th day of June, 2019.

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